

Don Hastings

109TH CONGRESS
1ST SESSION

H. RES. 240

Amending the Rules of the House of Representative to reinstate certain provisions of the rules relating to procedures of the Committee on Standards of Official Conduct to the form in which those provisions existed at the close of the 108th Congress.

IN THE HOUSE OF REPRESENTATIVES

MR. HASTINGS submitted the following resolution; which was referred to
OF WASHINGTON the Committee on _____

RESOLUTION

Amending the Rules of the House of Representative to reinstate certain provisions of the rules relating to procedures of the Committee on Standards of Official Conduct to the form in which those provisions existed at the close of the 108th Congress.

1 *Resolved*, That clause 3 of rule XI of the Rules of
2 the House of Representatives (relating to the Committee
3 on Standards of Official Conduct) is amended as follows:

4 (1) Subparagraph (2) of paragraph (b) is
5 amended to read as follows:

6 “(2) Except in the case of an investigation under-
7 taken by the committee on its own initiative, the com-
8 mittee may undertake an investigation relating to the offi-

1 cial conduct of an individual Member, Delegate, Resident
2 Commissioner, officer, or employee of the House only—

3 “(A) upon receipt of information offered as a
4 complaint, in writing and under oath, from a Mem-
5 ber, Delegate, or Resident Commissioner and trans-
6 mitted to the committee by such Member, Delegate,
7 or Resident Commissioner; or

8 “(B) upon receipt of information offered as a
9 complaint, in writing and under oath, from a person
10 not a Member, Delegate, or Resident Commissioner
11 provided that a Member, Delegate, or Resident Com-
12 missioner certifies in writing to the committee that
13 he believes the information is submitted in good
14 faith and warrants the review and consideration of
15 the committee.

16 If a complaint is not disposed of within the applicable peri-
17 ods set forth in the rules of the Committee on Standards
18 of Official Conduct, the chairman and ranking minority
19 member shall establish jointly an investigative sub-
20 committee and forward the complaint, or any portion
21 thereof, to that subcommittee for its consideration. How-
22 ever, if at any time during those periods either the chair-
23 man or ranking minority member places on the agenda
24 the issue of whether to establish an investigative sub-
25 committee, then an investigative subcommittee may be es-

1 tablished only by an affirmative vote of a majority of the
2 members of the committee.”.

3 (2) Paragraph (k) is amended to read as fol-
4 lows:

5 ***“Duties of chairman and ranking minority member***
6 ***regarding properly filed complaints***

7 “(k)(1) The committee shall adopt rules providing
8 that whenever the chairman and ranking minority member
9 jointly determine that information submitted to the com-
10 mittee meets the requirements of the rules of the com-
11 mittee for what constitutes a complaint, they shall have
12 45 calendar days or five legislative days, whichever is
13 later, after that determination (unless the committee by
14 an affirmative vote of a majority of its members votes oth-
15 erwise) to—

16 “(A) recommend to the committee that it dis-
17 pose of the complaint, or any portion thereof, in any
18 manner that does not require action by the House,
19 which may include dismissal of the complaint or res-
20 olution of the complaint by a letter to the Member,
21 officer, or employee of the House against whom the
22 complaint is made;

23 “(B) establish an investigative subcommittee; or

24 “(C) request that the committee extend the ap-
25 plicable 45-calendar day or five-legislative day period

1 by one additional 45-calendar day period when they
2 determine more time is necessary in order to make
3 a recommendation under subdivision (A).

4 “(2) The committee shall adopt rules providing that
5 if the chairman and ranking minority member jointly de-
6 termine that information submitted to the committee
7 meets the requirements of the rules of the committee for
8 what constitutes a complaint, and the complaint is not dis-
9 posed of within the applicable time periods under subpara-
10 graph (1), then they shall establish an investigative sub-
11 committee and forward the complaint, or any portion
12 thereof, to that subcommittee for its consideration. How-
13 ever, if, at any time during those periods, either the chair-
14 man or ranking minority member places on the agenda
15 the issue of whether to establish an investigative sub-
16 committee, then an investigative subcommittee may be es-
17 tablished only by an affirmative vote of a majority of the
18 members of the committee.”.

19 (3) Paragraphs (p) and (q) are amended to
20 read as follows:

21 ***“Due process rights of respondents***

22 “(p) The committee shall adopt rules to provide
23 that—

24 “(1) not less than 10 calendar days before a
25 scheduled vote by an investigative subcommittee on

1 a statement of alleged violation, the subcommittee
2 shall provide the respondent with a copy of the
3 statement of alleged violation it intends to adopt to-
4 gether with all evidence it intends to use to prove
5 those charges which it intends to adopt, including
6 documentary evidence, witness testimony, memo-
7 randa of witness interviews, and physical evidence,
8 unless the subcommittee by an affirmative vote of a
9 majority of its members decides to withhold certain
10 evidence in order to protect a witness; but if such
11 evidence is withheld, the subcommittee shall inform
12 the respondent that evidence is being withheld and
13 of the count to which such evidence relates;

14 “(2) neither the respondent nor his counsel
15 shall, directly or indirectly, contact the subcommittee
16 or any member thereof during the period of time set
17 forth in paragraph (1) except for the sole purpose of
18 settlement discussions where counsel for the re-
19 spondent and the subcommittee are present;

20 “(3) if, at any time after the issuance of a
21 statement of alleged violation, the committee or any
22 subcommittee thereof determines that it intends to
23 use evidence not provided to a respondent under
24 paragraph (1) to prove the charges contained in the
25 statement of alleged violation (or any amendment

1 thereof), such evidence shall be made immediately
2 available to the respondent, and it may be used in
3 any further proceeding under the rules of the com-
4 mittee;

5 “(4) evidence provided pursuant to paragraph
6 (1) or (3) shall be made available to the respondent
7 and his or her counsel only after each agrees, in
8 writing, that no document, information, or other ma-
9 terials obtained pursuant to that paragraph shall be
10 made public until—

11 “(A) such time as a statement of alleged
12 violation is made public by the committee if the
13 respondent has waived the adjudicatory hear-
14 ing; or

15 “(B) the commencement of an adjudica-
16 tory hearing if the respondent has not waived
17 an adjudicatory hearing;

18 but the failure of respondent and his counsel to so
19 agree in writing, and their consequent failure to re-
20 ceive the evidence, shall not preclude the issuance of
21 a statement of alleged violation at the end of the pe-
22 riod referred to in paragraph (1);

23 “(5) a respondent shall receive written notice
24 whenever—

1 “(A) the chairman and ranking minority
2 member determine that information the com-
3 mittee has received constitutes a complaint;

4 “(B) a complaint or allegation is trans-
5 mitted to an investigative subcommittee;

6 “(C) an investigative subcommittee votes
7 to authorize its first subpoena or to take testi-
8 mony under oath, whichever occurs first; or

9 “(D) an investigative subcommittee votes
10 to expand the scope of its investigation;

11 “(6) whenever an investigative subcommittee
12 adopts a statement of alleged violation and a re-
13 spondent enters into an agreement with that sub-
14 committee to settle a complaint on which that state-
15 ment is based, that agreement, unless the respond-
16 ent requests otherwise, shall be in writing and
17 signed by the respondent and respondent’s counsel,
18 the chairman and ranking minority member of the
19 subcommittee, and the outside counsel, if any;

20 “(7) statements or information derived solely
21 from a respondent or his counsel during any settle-
22 ment discussions between the committee or a sub-
23 committee thereof and the respondent shall not be
24 included in any report of the subcommittee or the

1 committee or otherwise publicly disclosed without
2 the consent of the respondent; and

3 “(8) whenever a motion to establish an inves-
4 tigative subcommittee does not prevail, the com-
5 mittee shall promptly send a letter to the respondent
6 informing him of such vote.

7 ***“Committee reporting requirements***

8 “(q) The committee shall adopt rules to provide
9 that—

10 “(1) whenever an investigative subcommittee
11 does not adopt a statement of alleged violation and
12 transmits a report to that effect to the committee,
13 the committee may by an affirmative vote of a ma-
14 jority of its members transmit such report to the
15 House of Representatives;

16 “(2) whenever an investigative subcommittee
17 adopts a statement of alleged violation, the respond-
18 ent admits to the violations set forth in such state-
19 ment, the respondent waives his or her right to an
20 adjudicatory hearing, and the respondent’s waiver is
21 approved by the committee—

22 “(A) the subcommittee shall prepare a re-
23 port for transmittal to the committee, a final
24 draft of which shall be provided to the respond-
25 ent not less than 15 calendar days before the

1 subcommittee votes on whether to adopt the re-
2 port;

3 “(B) the respondent may submit views in
4 writing regarding the final draft to the sub-
5 committee within seven calendar days of receipt
6 of that draft;

7 “(C) the subcommittee shall transmit a re-
8 port to the committee regarding the statement
9 of alleged violation together with any views sub-
10 mitted by the respondent pursuant to subdivi-
11 sion (B), and the committee shall make the re-
12 port together with the respondent’s views avail-
13 able to the public before the commencement of
14 any sanction hearing; and

15 “(D) the committee shall by an affirmative
16 vote of a majority of its members issue a report
17 and transmit such report to the House of Rep-
18 resentatives, together with the respondent’s
19 views previously submitted pursuant to subdivi-
20 sion (B) and any additional views respondent
21 may submit for attachment to the final report;
22 and

23 “(3) members of the committee shall have not
24 less than 72 hours to review any report transmitted
25 to the committee by an investigative subcommittee

1 before both the commencement of a sanction hearing
2 and the committee vote on whether to adopt the re-
3 port.”.